

ISSUES RAISED AT PLANNING AND ZONING COMMISSION MEETINGS
REGARDING HILLSIDE ORDINANCE

Why is a hillside ordinance needed.

- To preserve the scenic hillside vegetation and mountainous character of Asheville
- To lessen soil erosion
- To reduce the likelihood of landslides, mudslides, etc. Although these do not occur frequently in this area, the probability of these movements increases as development of the hillside increases (as evidenced in many communities in California)
- To reduce the intensity of land use on hillsides which would lessen municipal support services (such as roads, garbage pickup, storm water management, fire protection, etc.) which are often more costly in hillside areas

Will this ordinance affect all development within the City.

- It will only regulate residential group developments which are in zoning districts R-1, R-2, R-3, R-4, R-5, CH and OI and are 2,220 feet or above in elevation within the zoning jurisdiction

Why aren't smaller scale projects such as single family housing addressed by the ordinance.

These projects can have greater impact on the environment than higher density projects yet not be required to provide for storm water management as do the group development projects.

- It is true that many small scale projects can have a major impact on the environment and other regulations are needed to address them more thoroughly.
- The intent of the ordinance is to limit the intensity of development on the hillsides for service, safety and aesthetic reasons. Since small scale projects such as single family housing is the least intense land use permitted in the City's zoning jurisdiction, it would be consistent with the regulation's purpose.
- It could be a hardship for a developer on the small scale projects to provide the necessary documentation for compliance with the ordinance whereas a group development project is already required to submit much of the required information.
- It would be extremely difficult for City staff to review and enforce the large number of small scale projects in addition to the group development projects.

Does the average slope formula work.

- The formula does work and is used by virtually every City in the United States which has a hillside ordinance.

The numbers on the hillside ordinance graph are subjective.

- The graph regulates density and the amount of the site which must be left in its natural state for a parcel of land (depending upon its average slope).
- The graph was designed to reflect local development trends and the environment. Over ten hillside projects were reviewed (residential group developments) in terms of their density and site grading.
- A number of graphs were designed which reflected very restrictive to very mild regulations. The Planning and Zoning Commission decided upon a graph which reflects a middle ground.
- When comparing the actual hillside case studies with the development potentially permitted by the graph, in most cases, the density of projects could either be maintained or increased with only one notable exception. In so far as the amount of the site which would have to remain in its natural state, about half of the projects would have to grade less of the site to accommodate the development.
- Although the graph is useful in helping to regulate hillside development, the objectives of the ordinance are also extremely important. Each hillside project which comes before the Planning and Zoning Commission could be evaluated in terms of these objectives.
- The graph always provide some use and value for a parcel on land even for the steepest slope (which at 45 percent is very hard to stand upright) and is equitable for every zoning district. Variances can also be granted to projects with unusual site conditions, outstanding and innovating design, etc.

Why does the ordinance begin at 15% average slope for a parcel of land, isn't that "flat land" for this area.

- 15% slope is not flat and severe soil limitations for development in some areas of the City begin at this slope according to the Soil Conservation Service.
- Woodfin, Banner Elk and Waynesville have hillside ordinances which address subdivisions and each utilizes 15% as the minimal slope for hillside regulations.
- Although it was mentioned that state roads can be constructed up to 18%, N.C.D.O.T. regards this as an exception and the City Public Works requests roads not exceed 12%.

Why was 2,220 feet chosen as the elevation at which to define the areas which are regulated by the ordinance.

- Areas above 2,220 feet in elevation were chosen for a number of reasons:
 - Much of this area coincides with severe soil limitations for development as noted by the Soil Conservation Service which is often greater than 15% slope.
 - This area includes the most visual portions of the mountains which dominate the City's zoning jurisdiction.
 - With the exception of development along Hendersonville Road, this area is often at the fringe of the more intensely developed areas of the City.
 - It includes most of the case study projects.

Would the new regulations permit development as shown on the graph for each project.

- Many sites are not feasible to develop with the maximum densities permitted by the current zoning ordinance. Similarly, this can occur with the hillside ordinance since factors as to the kind of development in conjunction with the site's topography, size, shape, etc. Often reduce the maximum amount of development which is possible.

Won't this prohibit or harm development in Asheville.

- When comparing the impact of the ordinance with local project case studies, there would be virtually no reduction (there was 1 exception out of 10) in density. The ordinance will affect developers most at the planning and design phase, i.e. fitting the development to the site in order to disturb the site as little as possible.

The soil erosion ordinance already protects the hillsides along with other ordinances, why create another unnecessary ordinance.

- The erosion ordinance is very effective but it does not limit the land use densities nor the amount of the site which could be graded. These regulations address the needs expressed on the first page.

When would additional engineering information be requested and who would review it.

- Additional engineering information would be required for exceptional circumstances only and staff from the City Engineering and Planning staff would review such information.

What won't the hillside ordinance do as written.

- It won't stop or directly regulate ridgeline development since ridgetops tend to be more level than hillsides thereby permitting more density.
- It won't address hillside areas zoned for high density (OI, R-4) very effectively.
- It won't preserve the existing vegetation as thoroughly as a tree ordinance.
- It would not address building height nor design.